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10/808,913	03/25/2004	Alec Brusilovsky	LUC-480/Brusilovsky 6-7-2	8063
32205 7590 01/06/2010 Carmen Patti Law Group, LLC ONE N. LASALLE STREET 44TH FLOOR CHICAGO, IL 60602				
EXAMINER ROSE, KERRI M				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,913

Applicant(s)

BRUSILOVSKY ET AL.

Examiner

KERRI M. ROSE

Art Unit

2474

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 09/17/2009 have been fully considered but they are not persuasive. Applicant argues that Tang does not display visual indicia of whether the subscriber is available. After reading the specification of the invention, figures 3 and 4 seem to best illustrate what applicant intends by a visual indicia. In the figures each user is associated with different indicia. For example an open circle indicates availability. However, the specification does not describe how availability is determined other than the fact that a user has logged into the system and is not currently in a call. The contact list and locator of Tang, shown in figures 6 and 7, appear to provide the same functionality. If, for example, a user has logged into a computer and is not currently in a meeting or idle, the user will be shown as active. This seems to be the same methodology used by the applicant in describing figs. 3 and 4. Therefore Examiner has concluded that Tang does in fact teach "a visual indicia comprising time information of the time within which the PSTN subscriber is determined to be available for communications."

Claim Objections

2. Claim 18 is objected to because of the following informalities: Claim 18 depends from canceled claim 5. It is assumed that claim 18 depends from claim 1 for the purpose of this examination. Appropriate correction is required.
3. Claim 15 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the

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claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 15 and the fourth limitation of claim 14 [newly added in the most recent amendment] both state: “receiving the second message at the first Internet terminal of the first Internet user, determining a visual indicia corresponding to the presence state information contained in the second message, and displaying said visual indicia with a Pal identification label with which the visual indicia is associated.” Because claim 15 is the same as one of the limitations in claim 14 it does not further limit the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 3, and 8-20 are rejected under 35 U.S.C. 103(a) as being anticipated by Michael et al. (US 2004/0170263) in view of Sun et al. (US 2005/0190744; previously cited) further in view of Lamb et al. (US 6,747,970) further in view of Tang (“ConNexus to Awarenex: Extending Awareness to Mobile Users” provided by Applicant).

In regards to claim 1, Michael discloses a method for providing presence state information comprising the steps of:

receiving first messages by a presence server (figure 4 elements 402 and 408) from at least two switches in the public switched telephone network (fig. 5.116, 118 discloses a PSTN “cloud” or network. Such a network is known to comprise at least two switches.) containing call

event information for consumer premises equipment supported by telephone lines served by the respective switches (such as telephones disclosed in fig. 1.1122a-d), where the first messages are transmitted from the at least two switches to the presence server disposed in infrastructure of the PSTN (paragraph 34 discloses the presence server may be part of the PSNT infrastructure as opposed to the LAN infrastructure);

determining by the presence server a presence state of a PSTN subscriber associated with at least one of the telephone lines (fig 4. 412) based on the call event information where the call event information defines when the telephone line is available (fig. 2.206; paragraph 34; paragraph 36 which indicates a call can be intercepted and rerouted based upon presence information and other rules);

transmitting by the presence server a second message over the Internet using Internet protocol to a first Internet terminal equipment of a first Internet user (fig. 5.120, 122), the second message containing the presence state information associated with the at least one of the telephone lines (fig. 4.422);

receiving the second message at the first Internet terminal equipment of the first Internet user, determining a visual indicia corresponding to the presence state information contained in the second message, and displaying said visual indicia with a Pal identification label with which the visual indicia is associated (Fig. 1 discloses displaying a visual indicia corresponding to the presence state with a Pal ID.).

Michael does not disclose where the first messages are transmitted from the at least two switches over a signaling system 7 network. Michael discloses monitoring call events such as placing a call to help determine if a telephone line is available. However, Michael is silent to

determining the presence state of a subscriber based on the call event information where the call event information defines both when the telephone line is available and not available. Michael is also silent to the visual indicia comprising time information of the time within which the PSTN subscriber is determined to be available for communications.

Sun discloses a signaling system 7 network with a service control point in paragraph 48.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a SS7 network, as taught by Sun, for the messaging taught by Michael because doing so provides a clean separation of components, as taught by Sun in paragraph 48.

Lamb discloses a server in figure 3 element 203. Within the server are agents, 301. Each agent is associated with a subscriber. Column 32 lines 20-26 disclose monitoring the status of telephone devices in the PSTN and that the monitored statuses include information such as busy signals, on-hook, and off-hook. Column 32 lines 33-37 indicates the status information may include ringing, answered, busy, off-hook, on-hook, call waiting, or another value. Column 32 lines 38-53 discloses the status information may be obtained using a variety of different methods including checking randomly, periodically, or based upon network signaling. Therefore Lamb does not necessarily wait for a telephone device to attempt a call before updating status information. Column 33 lines 23-32 further discloses that a user may manually change the status to indicate if he is available or not available for calls during a certain time.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the call server of Lamb in the calling system of Michael modified by Sun because doing so allows the system to support a wide array of advanced calling services, as disclosed by Lamb in column 11 lines 5-15.

Tang discloses the visual indicia comprising time information of the time within which the PSTN subscriber is determined to be available for communications (Figure 6 discloses a “buddy list” with each user’s name, location, time since last activity or current activity, and current or next appointment time. Column 2 on page 4 indicates that the contact list helps to indicate whether people are available for contact. Additionally, fig. 7 illustrates locator information for one particular contact. A user may analyze this information to determine if the person is available and through which device, as described in the second column of page 5.).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the buddy list taught by Tang in the presence method of Michael because doing so helps “distributed collaborators work together more smoothly” as taught by Tang in the third paragraph on page 221 (first page of article).

In regards to claim 2, Michael modified by Sun and Lamb disclose the method according to claim 1 further comprising the steps of determining a call state of the at least one of the telephone lines based on the call event information contained with each of the first messages (Lamb discloses sending messages that are used to determine the call state in col. 32 lines 33-58.), and storing in memory at least the previous call state associated with the at least one of the telephone lines (Lamb figure 5a includes information about past calls and call states in for example, call log 342, historical information 332, and availability information 338.).

In regards to claim 3, Michael discloses the method of claim 2, but is silent wherein the step of determining the presence state of the PSTN subscriber comprises comparing a current call state associated with the one telephone line with the stored previous call state associated with the at least one telephone line.

Tang discloses determining the current presence by comparing a current call state to a previous call state. In figure 7, the office is recommended as the likely location of the user. This is determined by comparing the active state of equipment there to the idle state of all other equipment associated with that particular user.

It would have been obvious to one of ordinary skill in the art at the time of the invention to determine the presence as taught by Tang in the presence method of Michael because doing so helps “distributed collaborators work together more smoothly” as taught by Tang in the third paragraph on page 221 (first page of article).

In regards to claims 8 and 9, Michael discloses sending the first message from the PSTN switch in a PSTN compatible protocol (fig. 4.408) and are transmitted on every occurrence of the one telephone line changing from one presence state to another presence state (fig. 2.206, 208).

In regards to claim 10, Michael discloses the method according to claim 1, but is silent wherein the step of transmitting the second message comprises transmitting second messages containing the presence state information associated with the at least one of the telephone lines, wherein the presence state information includes time information.

Tang discloses tracking call timing. Figure 6 shows the active and idle times for a buddy list. Figure 7 shows the active and idle time for a particular user on the buddy list. Figure 3 discloses an IM message that is displayed with the time the message was sent.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the buddy list taught by Tang in the presence method of Michael because doing so helps “distributed collaborators work together more smoothly” as taught by Tang in the third paragraph on page 221 (first page of article).

In regards to claim 11, Michael modified by Tang discloses the method of claim 10 wherein the time information comprises a time when said call event occurred (Tang discloses tracking call timing. Figure 6 shows the active and idle times for a buddy list. Figure 7 shows the active and idle time for a particular user on the buddy list. Figure 3 discloses an IM message that is displayed with the time the message was sent.).

In regards to claim 12, Michael modified by Tang disclose the method of claim 10 wherein the time information comprises a determined time interval following the occurrence of the call event during which the PSTN subscriber is defined to be available for communication (Tang discloses tracking call timing. Figure 6 shows the active and idle times for a buddy list. Figure 7 shows the active and idle time for a particular user on the buddy list. Figure 3 discloses an IM message that is displayed with the time the message was sent.).

In regards to claim 13, Michael discloses wherein the at least one telephone line is connected to a PSTN terminal that is not capable of direct Internet communications. (Michael lists the PSTN terminals in fig. 5.118. These terminals are not illustrated as being connected to the LAN/Internet network [5.102] and are further distinguished from the LAN telephones [5.120] and computers [5.122]. Therefore, Michael does not teach the PSTN terminals as capable of direct Internet communications.)

In regards to claim 14, Michael discloses a method for providing presence state information to an internet user using an Internet terminal coupled to the Internet about CPE supported by a PSTN where the CPE does not have direct internet capability comprising the steps of: receiving first messages by a presence server (figure 4 elements 402 and 408) from at least two switches in the public switched telephone network (fig. 5.116, 118 discloses a PSTN

“cloud” or network. Such a network is known to comprise at least two switches.) containing call event information for consumer premises equipment supported by telephone lines served by the respective switches (such as telephones disclosed in fig. 1.1122a-d),

where the first messages are transmitted from the at least two switches to the presence server disposed in infrastructure of the PSTN (paragraph 34 discloses the presence server may be part of the PSNT infrastructure as opposed to the LAN infrastructure);

determining by the presence server a presence state of a PSTN subscriber associated with at least one of the telephone lines (fig 4. 412) based on the call event information where the call event information defines when the telephone line is available (fig. 2.206; paragraph 34; paragraph 36 which indicates a call can be intercepted and rerouted based upon presence information and other rules);

transmitting by the presence server a second message over the Internet using Internet protocol to a first Internet terminal equipment of a first Internet user (fig. 5.120, 122), the second message containing the presence state information associated with the at least one of the telephone lines (fig. 4.422);

receiving the second message at the first Internet terminal equipment of the first Internet user, determining a visual indicia corresponding to the presence state information contained in the second message, and displaying said visual indicia with a Pal identification label with which the visual indicia is associated (Fig. 1 discloses displaying a visual indicia corresponding to the presence state with a Pal ID.).

Michael does not disclose where the first messages are transmitted from the at least two switches over a signaling system 7 network. Michael discloses monitoring call events such as

placing a call to help determine if a telephone line is available. However, Michael is silent to determining the presence state of a subscriber based on the call event information where the call event information defines both when the telephone line is available and not available.

Sun discloses a signaling system 7 network with a service control point in paragraph 48.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a SS7 network, as taught by Sun, for the messaging taught by Michael because doing so provides a clean separation of components, as taught by Sun in paragraph 48.

Lamb discloses a server in figure 3 element 203. Within the server are agents, 301. Each agent is associated with a subscriber. Column 32 lines 20-26 disclose monitoring the status of telephone devices in the PSTN and that the monitored statuses include information such as busy signals, on-hook, and off-hook. Column 32 lines 33-37 indicates the status information may include ringing, answered, busy, off-hook, on-hook, call waiting, or another value. Column 32 lines 38-53 discloses the status information may be obtained using a variety of different methods including checking randomly, periodically, or based upon network signaling. Therefore Lamb does not necessarily wait for a telephone device to attempt a call before updating status information. Column 33 lines 23-32 further discloses that a user may manually change the status to indicate if he is available or not available for calls during a certain time.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the call server of Lamb in the calling system of Michael modified by Sun because doing so allows the system to support a wide array of advanced calling services, as disclosed by Lamb in column 11 lines 5-15.

Tang discloses the visual indicia comprising time information of the time within which the PSTN subscriber is determined to be available for communications (Figure 6 discloses a “buddy list” with each user’s name, location, time since last activity or current activity, and current or next appointment time. Column 2 on page 4 indicates that the contact list helps to indicate whether people are available for contact. Additionally, fig. 7 illustrates locator information for one particular contact. A user may analyze this information to determine if the person is available and through which device, as described in the second column of page 5.).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the buddy list taught by Tang in the presence method of Michael because doing so helps “distributed collaborators work together more smoothly” as taught by Tang in the third paragraph on page 221 (first page of article).

In regards to claim 15, Michael discloses receiving the second message at the first Internet terminal equipment of the first Internet user, determining a visual indicia corresponding to the presence state information contained in the second message, and displaying said visual indicia with a Pal identification label with which the visual indicia is associated (Fig. 1 discloses displaying a visual indicia corresponding to the presence state with a Pal ID.).

Claims 16 and 17 are rejected upon the same grounds as claims 8 and 9 respectively.

In regards to claim 18, Michael modified by Tang discloses the method of claim 5 further comprising the step of displaying one of a PSTN telephone number and a name of the party with whom the Pal is having a telephone call (Tang discloses visual indicia with time information in figure 6. Figure 6 discloses a “buddy list” with each user’s name, location, time since last activity or current activity, and current or next appointment time.).

In regards to claims 19 and 20, Michael and Sun disclose receiving the first messages comprise receiving the first messages by a service control point that is coupled to the presence server disposed as part of the infrastructure of the PSTN (Sun paragraph 48 discloses using a service control point), and the step of transmitting the second message comprises transmitting the second message by the presence server on every occurrence of the one telephone line changing from one presence state to another presence state (Michael fig. 2.206, 208).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KERRI M. ROSE whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Thursday, 6 am - 3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung MOE can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2474

/Kerri M Rose/
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